

K&L GATES

March 28, 2024

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Via Electronic Filing

The Honorable Gregory B. Williams
United States District Court
for the District of Delaware
844 N. King Street
Wilmington, DE 19801

**Re: *Ameritas Life Insurance Corp. v. WSFS*, FSB
C.A. No. 23-236-GBW**

Dear Judge Williams:

In accordance with Paragraph 3(g) of the Joint Scheduling Order [ECF 17], Plaintiff Ameritas Life Insurance Corp. (“Ameritas”) and Defendant Wilmington Savings Fund Society, FSB, as Securities Intermediary (“WSFS”) jointly write to request the scheduling of a discovery teleconference in the above-referenced matter.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer by telephone on the following dates: January 30, 2024; March 13, 2024; March 26, 2024.

- Delaware Counsel

Plaintiff Ameritas Life Insurance Corp.

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Defendant Wilmington Savings Fund Society, FSB, as Securities Intermediary

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- Lead Counsel

Plaintiff Ameritas Life Insurance Corp.

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The disputes requiring judicial attention are listed below:

- WSFS seeks an order compelling Ameritas to produce documents concerning Ameritas's investigation of the claim it received on the life insurance policy at issue. Ameritas has withheld these documents on the grounds that they are protected by the attorney client privilege and the work product doctrine.
- WSFS seeks an order compelling Ameritas to run search terms through seven (7) new custodians and to produce responsive, non-privileged documents.
- WSFS seeks an order compelling Ameritas to substantively respond to WSFS's Interrogatories 22 and 23.
- WSFS is seeking to claw back a document it produced to Ameritas (WSFS_SI_00000001 – WSFS_SI_00000004), on the grounds that the document is protected by the attorney-client privilege.

WSFS has proposed the following procedure: WSFS files a letter addressing the first three bullet points, and Ameritas simultaneously files a letter addressing the last bullet point. Afterwards, the parties simultaneously file responsive letters. Consistent with prior submissions, the letters will be 3 pages of roughly 1,500 words. Ameritas does not object to this procedure.

The Parties would be happy to discuss the foregoing with Your Honor, or to answer any questions. The Parties reserve the right to submit additional discovery disputes by way of separate letter.

Respectfully submitted,

COZEN O'CONNOR P.C.

By: /s/ Kaan Ekiner

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cc: All counsel of record via CM/ECF